

REMARKS

Claims 45-56 are presented for consideration, with Claims 45, 48 and 51-54 being independent.

Initially, Applicant notes with appreciation that Claims 45-50, 52, 53, 55 and 56 are allowed. In addition, Claims 51 and 54 are indicated as containing patentable subject matter and will be allowed if amended to overcome the rejection under 35 U.S.C. §101, as discussed below.

In that regard, Claims 51 and 54 stand rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter. Without conceding the propriety of this rejection, Claims 51 and 54 have been amended to set forth a non-transitory computer readable medium, as suggested by the Examiner on page 3 of the Office Action. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

Thus, it is submitted that Applicant's invention as set forth in independent Claims 45, 48 and 51-54 is patentable over the cited art. In addition, dependent Claims 46, 47, 49, 50, 55 and 56 set forth additional features of Applicant's invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Scott D. Malpede/

Scott D. Malpede
Attorney for Applicant
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, NY 10104-3800
Facsimile: (212) 218-2200

SDM/rnm

FCHS_WS 5426979_1